

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

JOHN H. LARY, JR., M.D., individually and as  
the representative of a class of similarly-  
situated persons,

Plaintiff,

v.

REXALL SUNDOWN, INC., REXALL  
SUNDOWN LLC, REXALL SUNDOWN  
3001, LLC, REXALL, INC., REXALL US  
DELAWARE, INC., NBTY, INC. and JOHN  
DOES 1-10,

Defendants.

---

CORPORATE MAILINGS, INC. d/b/a CCG  
MARKETING SOLUTIONS,

Third Party Plaintiff,

v.

HEALTHCARE DATA EXPERTS, LLC,

Third Party Defendant.

---

Civil Action No. CV-13-5769-SFJ-ARL

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT FOR LACK OF SUBJECT  
MATTER JURISDICTION**

**TO:**

Brian J. Wanca  
Anderson & Wanca  
3701 Algonquin Road  
Suite 760  
Rolling Meadows, Illinois 60008

Aytan Yehoshua Bellin  
Bellin & Associates LLC  
85 Miles Avenue  
White Plains, NY 10606

John Hooper, Eric F. Gladbach, &  
Henry Pietrkowski  
Reed Smith LLP  
599 Lexington Avenue  
New York, NY 10022

Max Margulis  
Margulis Law Group  
28 Old Belle Monte Rd.  
Chesterfield, MO 63017

**PLEASE TAKE NOTICE** that on a return date to be set by the Hon. Sandra J. Feuerstein, U.S.D.J., Defendant/Third Party Plaintiff Corporate Mailings, Inc. d/b/a CCG Marketing Solutions ("CCG") shall move before this Court for an order and judgment, pursuant to Federal Rule of Civil Procedure 12(b)(1), dismissing Plaintiff's Amended Complaint with prejudice because of the Court's lack of subject matter jurisdiction over this matter, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that CCG intends to rely upon the Declaration of Matthew J. Fedor and exhibit(s) thereto; the accompanying Memorandum of Law and the pleadings and prior proceedings herein in support of this motion.

**PLEASE TAKE FURTHER NOTICE** that oral argument is hereby requested at a date and time to be determined by the Court.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Local Civ. R. 6.1 and the Individual Rules of Hon. Sandra J. Feuerstein, U.S.D.J., your opposition, if any, must be served upon all parties, filing only a cover letter with the Court, within fourteen days of service of this motion.

July 21, 2014

DRINKER BIDDLE & REATH LLP

By: /s/Matthew J. Fedor

Matthew J. Fedor  
Walter J. Fleischer, Jr. (*pro hac vice*)  
600 Campus Drive  
Florham Park, NJ 07932  
Phone: 973.549.7000  
Fax: 973.360.9831  
matthew.fedor@dbr.com

*Attorneys for Defendant/Third Party  
Plaintiff Corporate Mailings, Inc. d/b/a  
CCG Marketing Solutions*